THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.26972 of 2005

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Dated: 21.12.2005

Between:

B.Kistaiah Goud, S/o. Sri Mallaiah Goud,
NFC Department Of Atomic Energy, Moula-Ali,
Hyderabad, R/o. H.No.5-13-98/2, Indranagar,
H.B Colony, Moula-Ali, Hyderabad.

..... PETITIONER

AND

The Union of India, represented by Secretary to Government
Department of Atomic Energy, Anushakthi Bhawan,
CSM Marg, Mumbai-400001 and others.

.....RESPONDENTS

ORDER:

The petitioner was employed as a helper in Nuclear Fuel Complex. Disciplinary proceedings were initiated against him on the allegation that the certificate, in proof of his educational qualification, is not genuine. Several developments have taken place since then, but it not necessary to refer to them, in detail. On 16.11.2005, the enquiry officer submitted his report holding that the charges levelled against the petitioner are proved. In terms of Rule 15(2) of the CCS (CCA) Rules, 1965, the third respondent issued a memorandum, requiring the petitioner to offer his comments to the report of the enquiry officer. The petitioner challenges the same.

Learned counsel for the petitioner submits that having regard to the nature of appointment of the petitioner, the procedure, stipulated under the Industrial Employment (Standing Order) Act, 1946, ought to have been followed and not the CCS (CCA) Rules. He contends that the entire proceedings are vitiated on account of adopting an otherwise inapplicable procedure.

The disciplinary proceedings initiated against the petitioner are at an advanced stage. The petitioner had approached this Court twice, on earlier occasions. For one reason or the other, the petitioner did not raise the question as to the legality of the proceedings initiated against him in the earlier writ petitions. As of now, the report of the enquiry officer had emerged and the petitioner is required to offer his comments. The petitioner can put forward all his contentions, either at this stage or even at subsequent stages. This Court does not find any basis to interdict the proceedings at this stage.

Therefore, the writ petition is disposed of leaving it open to the petitioner to raise all his contentions, including the one relating to the procedure adopted in the disciplinary proceedings initiated against him. The time, for submission of explanation/comments in pursuance of the impugned memorandum, is enlarged till 30.12.2005.

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21.12.2005

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